

support an argument for a broader reading of the personal property clause in the other treaties, should the issue arise in future litigation. See also *Corbett v. Stergios*, 381 U.S. 124.

5. In sum, we perceive no compelling reason for re-examining *Clark v. Allen* in the present case. We do not agree with appellants that the present appeal raises "questions of vast national and international importance most seriously affecting the foreign relations of the United States" (J.S. 24-25). Accordingly, we do not urge plenary review.

Respectfully submitted,

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*Solicitor General.*

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## APPENDIX

Article IV of the 1923 Treaty of Friendship, Commerce, and Consular Rights with Germany provides as follows:

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.